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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,914

Applicant(s)

SINN, RICHARD P.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2,4,6-11,13,20,21,23 and 25-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4,6-11,13,20,21,23 and 25-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/28/02; 03/15/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

REQUIREMENT FOR INFORMATION

1. In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. 111 or 371 (including a reissue application), in a patent, or in a reexamination proceeding, the examiner or other Office employee may require the submission, from individuals identified under § 1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter. See 37 CFR 1.105. See MPEP § 704.11.
2. There must be a reasonable basis for the information required that would aid in the examination of an application or treatment of some matter. A requirement for information under 37 CFR 1.105 places a substantial burden on the applicant that is to be minimized by clearly focusing the reason for the requirement and the scope of the expected response. Thus, the scope of the requirement should be narrowly defined, and a requirement under 37 CFR 1.105 may only be made when the examiner has a reasonable basis for requiring information.
3. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
4. Due to the voluminous nature of the SiteMinder documents disclosed, the Examiner is requesting information, including specific page numbers and citations, as to why the **five (5)** SiteMinder documents have been cited. A concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each document listed. It has been placed in the application file, but the information referred to therein has not been considered.

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5. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

DETAILED ACTION

6. The amendment of 07 October 2005 has been noted and made of record.
7. Claims 1, 2, 4, 6-11, 13, 20, 21, 23, and 25-27 have been presented for examination.
8. Claims 3, 5, 12, 14-19, 22, 24, and 28-41 have been cancelled as per Applicant's request.

Response to Arguments

9. Applicant's arguments filed 07 October 2005 have been fully considered but they are not persuasive.
10. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
11. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
12. See further rejections that follow.

Claim Rejections - 35 USC § 103

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 1, 2, 4, 8, 9, 11, 13, 20, 21, 23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0053023 to Patterson et al., hereinafter Patterson, in view of U.S. Patent No. 6,044,462 to Zubeldia et al., hereinafter Zubeldia.

15. As per claims 1 and 20, Patterson discloses a method comprising the steps of:

retrieving real time status for a certificate (Figure 7 [step S6], page 4, paragraph [0058], i.e. “The public repository 64 will in due course, return an identification of the validity of the certificate using, for example, a protocol such as the Online Certificate Status Protocol”);

storing said real time status (Figure 7 [step S7], page 4, paragraph [0059], i.e. “on receipt of the certificate validity information, this is stored in the user cache 86 for the intended recipient”); and

storing validation information for said certificate, wherein said validation information includes an identifier of a time said real time status was retrieved (Figures 5-7 [step S7], page 3, paragraphs [0051]-[0052], page 4, paragraph [0059], i.e. “the user cache 86 includes, for certificates that have already been checked, the sender identity associated with the certificate, the certificate as extracted from a previously received message and as verified with the public repository, the result of verifying the validation with the repository, and the time and date of the validation of the certificate. The result of such a check of certificate status will typically be one of ‘valid,’ ‘revoked,’ or ‘unknown.’” “on receipt of the certificate validity information, this is stored in the user cache 86 for the intended recipient”)

receiving a request to export said certificate (Figures 7 [steps S1, S2], 8a [step S10], 8b [steps s11, s12], pages 3-4, paragraphs [0055]-[0060]);

determining whether to check a status for said certificate at a check time (Figure 7 [step S6], page 4, paragraph [0058], i.e. “The public repository 64 will in due course, return an identification of the validity of the certificate using, for example, a protocol such as the Online Certificate Status Protocol”);

in response to determining to check the status for said certificate at a check time, determining whether to check status for said certificate in real time (Figure 7 [step S7], page 4, paragraph [0058]).

16. Patterson does not disclose a validation interval for said real time status.

17. Zubeldia teaches a validation interval for said real time status (column 2, lines 11-19).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include storing a validation interval for the status of the certificate, since Zubeldia states in columns 1 and 2 that all certificates have a period of validity, such a modification as storing a validation interval for the status of the certificate would alert the client that the certificate has expired and therefore invalid, and any communication with the user that the certificate was linked to would be insecure.

19. Regarding claims 2 and 21, Patterson teaches wherein said step (c) includes the step of: setting said validation interval to zero when said real time status retrieved is not valid (Figures 5-7 [step S7], page 3, paragraphs [0051]-[0052], page 4, paragraph [0059], i.e. “The result of such a check of certificate status will typically be one of ‘valid,’ ‘revoked,’ or ‘unknown.’”).

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20. Regarding claims 4 and 23, Patterson discloses the steps of determining whether said check time falls within a time period, wherein said time period begins at said time said real time status was retrieved and extends for said validation interval (page 4, paragraph [0062], i.e. checking the expiry time).

21. Concerning claims 6 and 25, Patterson teaches wherein exporting said certificate, if said check time falls within said time period (page 4, paragraph [0062], i.e. checking the expiry time).

22. Concerning claim 8, Patterson teaches retrieving a new real time status for said certificate, in response to determining to check status for said certificate in real time (page 4, paragraph [0063]).

23. Concerning claim 9, Patterson teaches exporting said certificate, if said new real time status indicates said certificate is valid (Figures 7 [steps S8, S9], 8a [step S10], 8b [steps s11, s12], page 4, paragraphs [0060], [0064]-[0067]).

24. Regarding claims 11 and 27, Patterson discloses receiving a request to display information from said certificate (figure 7 [steps S1, S2, S3], page 4, paragraph [0064]);
retrieving a status for said certificate (page 4, paragraph [0058]); and
displaying said information from said certificate and said status (Figures 8a, 11, page 4, paragraphs [0064]-[0067]).

25. With regards to claim 13, Patterson discloses wherein said step (j) includes the steps of:
determining whether to check status for said certificate in real time (page 4, paragraph [0058]);

retrieving said real time status for said certificate to serve as said status, if it is
determined to check status in real time (page 4, paragraph [0058]); and

retrieving a new real time status to serve as said status, if it is determined not to check
status in real time (pages 3-4, paragraph [0057]).

26. Claims 7, 10, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Patterson in view of Zubeldia as applied above, and further in view of U.S. Patent Application
Publication No. 2003/0110376 to Wiener et al., hereinafter Wiener.

27. Concerning claims 7 and 26, Patterson and Zubeldia do not teach issuing an error
message, if said check time does not fall within said time period.

28. Wiener discloses issuing an error message, if said check time does not fall within said
time period (page 4, paragraph [0030]).

29. It would have been obvious to one of ordinary skill in the art at the time the invention
was made to issue an error message, since Wiener discloses at page 4, paragraph [0030] that such
a modification would alert a client that the certificate has expired and therefore needs to be
updated.

30. Concerning claim 10, Patterson and Zubeldia do not teach issuing an error message, if
said new real time status indicates said certificate is not valid.

31. Wiener discloses issuing an error message said new real time status indicates said certificate is not valid (page 4, paragraph [0030]).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to issue an error message, since Wiener discloses at page 4, paragraph [0030] that such a modification would alert a client that the certificate has expired and therefore needs to be updated.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

34. The following patents are cited to further show the state of the art with respect to real-time certificate verification using OCSP, such as:

United States Patent Application Publication No. 2003/0065921 to Chang, which is cited to show authority-neutral certification for multiple-authority PKI environments.

United States Patent No. 6,970,862 to Kwan, which is cited to show answering OCSP requests without certificate revocation lists.

United States Patent Application Publication No. 2004/0049675 to Micali et al., which is cited to show OCSP starting at paragraph [0408].

35. This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

37. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

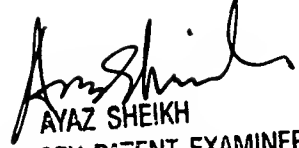
40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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